

It would also be an error to permit Plaintiffs to embark on a fishing expedition through discovery, without first requiring them to comply with Federal pleading requirements. Plaintiffs' implausible and conclusory allegation that there was some grand conspiracy among the disparate parties who commissioned, conducted, or cooperated with the independent Guidepost investigation into the Southern Baptist Convention's historical handling of allegations of sexual abuse does not meet those requirements. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *e.g.*, Compl. ¶¶ 50, 61, 63, 80-92, 95-97, 104, 107, 110-112, 114-116. Plaintiffs did not merely fail in the complaint to plead their claim of purported conspiracy credibly or with any specificity. Plaintiffs' subsequent initial disclosures in this case fail to name a single witness (beyond themselves), nor do they specifically identify any documents to support their broad allegations of conspiracy.

Of greatest concern, the Magistrate Judge's Order would permit David Sills, an abuser, to use the process of this Court to drag Jennifer Lyell through litigation in which he seeks now, belatedly, to revise his prior admissions of wrongdoing and assert claims that are time-barred on their face. The only statements that David Sills alleges Ms. Lyell made within the year prior to filing of suit do not even mention the Plaintiffs. As explained in the Memorandum in Support of Defendant Lyell's Motion to Dismiss (Doc. No. 76), those statements are not defamatory as a matter of law.

One result from allowing discovery to proceed prior to the Court's ruling on the dispositive motions pending may well be to discourage and dissuade other victims of sexual abuse from reporting what happened to them. Great courage has already been required of those women, like Jennifer Lyell, who have stepped up to be counted. Plaintiffs should not be allowed to drag her through discovery in this Court, prior to consideration of the several valid grounds for dismissal

asserted by all the Defendants. The pundits and apologists for David Sills, who continue to attack Ms. Lyell online and in the media, have already done enough harm.

For the reasons set forth above and detailed in Defendants' Joint Motion to Stay, discovery should be stayed pending the Court's ruling on the Defendants' motions to dismiss.

Respectfully submitted,

NEAL & HARWELL, PLC

By: /s/ Ronald G. Harris

Ronald G. Harris, BPR #009054

Philip N. Elbert, BPR #009430

Olivia R. Arboneaux, BPR #040225

1201 Demonbreun Street, Suite 1000

Nashville, Tennessee 37203

(615) 244-1713 – Phone

(615) 726-0573 – Fax

rharris@nealharwell.com

pelbert@nealharwell.com

oarboneaux@nealharwell.com

Counsel for Defendant Jennifer Lyell

CERTIFICATE OF SERVICE

I hereby certify that on this the 5th day of December 2023, the foregoing was served via the court's electronic filing system and/or by email on the following counsel of record:

<p>Gary E. Brewer BREWER AND TERRY, PC 1702 W. Andrew Johnson Hwy. P.O. Box 2046 Morristown, TN 37816 robin@brewerandterry.com</p> <p>John W. ("Don") Barrett (<i>pro hac vice</i>) Katherine Barrett Riley (<i>pro hac vice</i>) Sarah Sterling Aldridge (<i>pro hac vice</i>) BARRETT LAW GROUP, PA P.O. Box 927 404 Court Square North Lexington, MS 39095 dbarrett@barrettlawgroup.com kbriley@barrettlawgroup.com saldridge@barrettlawgroup.com</p> <p>Shannon M. McNulty (<i>pro hac vice</i>) CLIFFORD LAW OFFICES, PC 120 N. LaSalle St., 36th Floor Chicago, IL 60602 mm@cliffordlaw.com</p> <p><i>Counsel for Plaintiffs</i></p>	<p>John R. Jacobson Katharine R. Klein RILEY & JACOBSON, PLC 1906 West End Ave. Nashville, TN 37203 jjacobson@rjfirm.com kklein@rjfirm.com</p> <p>Steven G. Mintz (<i>pro hac vice</i>) Terence W. McCormick (<i>pro hac vice</i>) MINTZ & GOLD LLP 600 Third Avenue, 25th Floor New York, NY 10016 mintz@mintzandgold.com mccormick@mintzandgold.com</p> <p><i>Counsel for Defendants Guidepost Solutions LLC and SolutionPoint International, Inc.</i></p>
<p>L. Gino Marchetti, Jr. Matthew C. Pietsch TAYLOR, PIGUE, MARCHETTI & BLAIR, PLLC 2908 Poston Avenue Nashville, TN 37203 gmarchetti@tpmblaw.com matt@tpmblaw.com</p> <p><i>Counsel for Defendants Southern Baptist Convention, Dr. Ed Litton, and Dr. Bart Barber</i></p>	<p>Catherine M. Newman R. Bruce Barze, Jr. (<i>pro hac vice</i>) BARZE TAYLOR NOLES LOWTHER LLC 2204 Lakeshore Dr., Suite 425 Birmingham, AL 35209 cnewman@btnllaw.com bbarze@btnllaw.com</p> <p><i>Counsel for Defendant Eric Geiger</i></p>

<p>George H. Cate, III Kimberly M. Ingram-Hogan Virginia N. Adamson BRADLEY ARANT BOULT CUMMINGS LLP 1600 Division St., Suite 700 Nashville, TN 37203 gcate@bradley.com kingram@bradley.com jadamson@bradley.com</p> <p>Richard C. Mangelsdorf, Jr. Terri L. Bernal MCANGUS GOUDELOCK & COURIE, LLC P.O. Box 2949 120 Brentwood Commons Way, Suite 625 Brentwood, TN 37024 chuck.mangelsdorf@mgclaw.com terri.bernal@mgclaw.com</p> <p><i>Counsel for Defendant LifeWay Christian Resources of the Southern Baptist Convention</i></p>	<p>James C. Bradshaw III WYATT, TARRANT & COMBS, LLP 333 Commerce Street, Suite 1050 Nashville, TN 37201 jbradshaw@wyattfirm.com</p> <p>Byron Leet (<i>pro hac vice</i>) WYATT, TARRANT & COMBS, LLP 400 West Market Street, Suite 2000 Louisville, KY 40202 bleet@wyattfirm.com</p> <p>Thomas E. Travis (<i>pro hac vice</i>) WYATT, TARRANT & COMBS, LLP 250 West Main Street, Suite 1600 Lexington, KY 40507 ttravis@wyattfirm.com</p> <p><i>Counsel for Defendants The Southern Baptist Theological Seminary and Dr. R. Albert Mohler</i></p>
<p>Brigid M. Carpenter Ryan P. Loofbourrow BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC 1600 West End Avenue, Suite 2000 Nashville, Tennessee 37203 bcarpenter@bakerdonelson.com rloofbourrow@bakerdonelson.com</p> <p><i>Counsel for Defendants The Executive Committee of the Southern Baptist Convention, Willie McLaurin, and Rolland Slade</i></p>	

/s/ Ronald G. Harris